IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 32561 of 2006(B)

PETITIONER:

V.NISHAD,
S/O.NARAYANAN, VALLIKKATTU HOSUE,
EZHAVATHURUTHY, P.O.PONNANI,
MALAPPURAM DISTRICT.

BY ADV. SRI.SUDHEESH.A.
SMT.C.V.BINDU

RESPONDENTS:

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1. TAHSILDAR,
PONNANI.

2. DISTRICT COLLECTOR,
MALAPPURAM DISTRICT.

BY G.P. SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 32561 OF 2006

Dated this the 7th day of December, 2006

JUDGMENT

Petitioner is challenging Ext.P3 whereunder the District Collector has levied a fine of Rs. 25,000/- for unauthorised transport of sand under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. It is seen that the truck is Swaraj Mazda which is a medium vehicle. Even though there is no justification to interfere with the order imposing fine, since there is no finding that the petitioner is involved in repeated offence, I feel petitioner's case calls for reduction. W.P. is accordingly disposed of reducing the fine amount from Rs. 25,000/- to Rs. 15,000/-. If the vehicle was released with the sand, then respondents are entitled to recover Rs. 1,000/- towards value of sand. There will be direction to the respondents to release the Bank guarantee on petitioner remitting Rs. 16,000/-, if sand was also released, or otherwise on payment of Rs. 15,000/-.

(C.N.RAMACHANDRAN NAIR)
Judge